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**OFFICE OF PETITIONS**

In re Application of  
May Chan et al.  
Application No. 09/820,374  
Filed: March 26, 2001  
For: MINIMUM SIGNATURE  
PROPELLANT

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: Letter re Publication  
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This is in reply to "Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i)," which was filed on January 2, 2003.

Applicant's request cannot be granted.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also permits the Office to publish applications filed before November 29, 2000, when applicant requests publication of such an application.

The Office has no statutory authority to accept a nonpublication request that was not filed on the filing date of the application. The application was scheduled to be published on September 26, 2002.

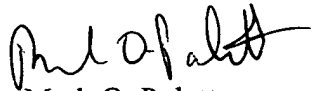
If applicant desires to avoid publication for other applications, which were not filed with a nonpublication request, she may file a continuation application under 37 CFR 1.53(b) with a nonpublication request claiming benefit to the instant application under 35 U.S.C. 120 and thereafter abandoning the application. To avoid publication, the abandonment must be received by the Office and recognized in time to avoid publication. For further information see the "Q's & A's" under the American Inventors Protection Act of 1999 (AIPA), which is under Patents on the USPTO website, and posted at:

<http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm>

A "Nonpublication Request" filed after the filing of the application, should not be filed in the Office as it wastes Office resources. Additionally, filing papers in the Office that are moot may be considered a "failure to engage in reasonable efforts to conclude prosecution" and may result in a patent term adjustment reduction. See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term, 65 Fed. Reg. 56365, 56373 (Sept. 18, 2000); 1239 Off. Gaz. Pat. Office Notices 14, 19-20 (Oct. 3, 2000) (final rule).

The application is being returned to Group Art Unit 1751 for handling in due course.

Telephone inquiries regarding this communication should be directed to the undersigned at (703)308-8122.

A handwritten signature in black ink, appearing to read "Mark O. Polutta", with a stylized flourish at the end.

Mark O. Polutta  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy